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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,534	03/05/2007	Gunnar Christer Hansson	06237/LH	4101
1933	7590	09/30/2008	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			WEEKS, GLORIA R	
			ART UNIT	PAPER NUMBER
			3721	
			MAIL DATE	DELIVERY MODE
			09/30/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/574,534	HANSSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	GLORIA R. WEEKS	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 June 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10-27 is/are pending in the application.  
 4a) Of the above claim(s) 20-27 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 10-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>4/3/06; 3/30/07</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This action is in response to the amendment and remarks received on June 10, 2008.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on October 3, 2003. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

### ***Election/Restrictions***

4. Claims 20-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 10, 2008.

### ***Specification***

5. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### ***Arrangement of the Specification***

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Jinkins (USPN 3,901,098).

In reference to claims 10 and 15, Jinkins discloses a power tool comprising: a housing 3; an output shaft 26 driven by a rotation motor 5; and an angle drive mechanism coupling the motor 5 to the output shaft 26, the angle drive mechanism including: a one-piece drive spindle 7 and pinion 8 coupled to the motor 5; a bevel gear mounted 14 on the output shaft 26; wherein the drive spindle 7 is axially supported relative to the housing by a ball bearing 10 having an inner ring 65 and an outer ring 12; and an adjusting device which sets an axial position of the drive spindle 7 and the pinion 8 relative to the bevel gear 14; wherein the outer ring 12 is axially secured relative to the housing 3; and wherein the adjusting device comprises: a threaded portion

on said drive spindle 7; an internal thread formed integrally with the inner ring 6 and arranged to cooperate with the threaded portion on the drive spindle; and a coupling device 18.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinkins (USPN 3,901,098 in view of Droste (USPN 7,216,749).

Regarding claims 11-13 and 16-18, Jinkins discloses a power tool comprising: a one-piece drive spindle 7 and pinion 8 axially supported relative to the housing by a ball bearing 10 having an inner ring 65 and an outer ring 12; and an adjusting device which sets an axial position of the drive spindle 7 and the pinion 8 relative to the bevel gear 14; wherein the outer ring 12 is axially secured relative to the housing 3; and wherein the adjusting device comprises: a threaded portion on said drive spindle 7; an internal thread formed integrally with the inner ring 6 and arranged to cooperate with the threaded portion on the drive spindle; a coupling ring 18; and a lock ring 17. Jinkins does not disclose the coupling ring 18 to have teeth, nor does Jinkins disclose the lock ring 6 positioned in a recess of the spindle 7.

Droste teaches a power tool comprising: a spindle 4 coupled to a gear 43, the spindle supported within a bearing 5, 7, a coupling ring 41 and a lock ring 42; the coupling ring having inner teeth 106 that cooperate with spleens 104 on the spindle 4; and the lock ring 42 is

positioned within a recess 102 of the spindle 4. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the coupling ring and lock ring as suggested by Droste, since column 1 lines 40-57 of Droste states that such a modification creates a slip clutch for the spindle thereby preventing undesired interruption of the rotary drive of the tool.

10. Claim 14 and 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jinkins (USPN 3,901,098 in view of Yakura et al. (USPN 6,709,161).

With respect to claims 14 and 19, Jinkins discloses a power tool comprising: a one-piece drive spindle 7 and pinion 8 axially supported relative to the housing by a ball bearing 10 having an inner ring 65 and an outer ring 12, but does not disclose the ball bearing as an angular contact ball bearing. It would have been obvious to one having ordinary skill in the art at the time of the invention to replace the ball bearing of Jinkins with a angular contact ball bearing, since column 3 lines 1-4 of Yakura et al. teaches an angular contact ball bearing assists with lubrication of the bearing thus prolonging life of the bearing during high speed rotation and reducing cost.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations related to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLORIA R. WEEKS whose telephone number is (571)272-4473. The examiner can normally be reached on M-F 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
- Fee Questions (571) 272-6400
- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199

/Gloria R. Weeks/  
Examiner, Art Unit 3721

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3721

September 29, 2008